



101-10

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT MARKING
DIVISION

2005 JUL 19 PM 4:29

In re Patent of
Schulken

Art Unit: 3751

US PATENT & TRADEMARK
OFFICE

Patent No.: 6,908,245

Issued: June 21, 2005

Examiner: Le, Huyen D

Serial No. 10/826,351

Filed: April 19, 2004

For: GRIPPING AID

REQUEST FOR REFUND OF PUBLICATION FEE

Honorable Commissioner of Patents & Trademarks
Washington, D.C. 20231

Sir:

Applicant was required to, and did pay, the \$300
Publication Fee. Enclosed as proof of payment are a copy of

1) the Fee(s) Transmittal Form, which shows the Publication Fee
was enclosed:

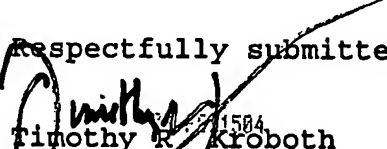
"[x] Publication Fee",

2) applicant's Receipt Card for the subject patent application
(Docket #101-10), which is date-stamped April 29, 2005, and makes
of record a check in the amount of \$1030 (\$700 Issue Fee, \$300
Publication Fee, \$30 Advance Order), and

3) KROBOTH LAW OFFICE check #1166 (front & back) dated April 28,
2005, for Docket #101-10, in the amount of \$1030.

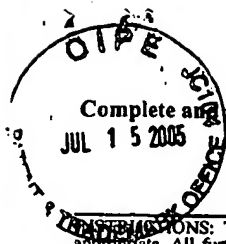
However, the subject PATENT has already issued, and the
issuance occurred at about 14 months of pendency. It is NOT
expected that Publication will occur. Therefore, Refund of the
Publication Fee is in order and should be granted. Credit of the
\$300 Publication Fee to Deposit Account #11-1830, is respectfully
requested.

Respectfully submitted,


Timothy R. Kroboth
Reg. No. 28,435
(704) 846-3105

-300.00 OP

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PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail****Mail Stop ISSUE FEE**
Commissioner for Patents
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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TIMOTHY R. KROBOTH
KROBOTH LAW OFFICE
5501 PROVIDENCE COUNTRY CLUB DRIVE
CHARLOTTE, NC 28277

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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

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(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,351	04/19/2004	Toni M. Schulken	101-10	1033

TITLE OF INVENTION: GRIPPING AID

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$300	\$1000	07/21/2005

EXAMINER	ART UNIT	CLASS-SUBCLASS
LE, HUYEN D	3751	401-006000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
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2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Timothy R. Kroboth

2

3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

PATHWAYS FOR LEARNING
PRODUCTS, INC.

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Charlotte, NCPlease check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☒ Issue Fee
- ☒ Publication Fee (No small entity discount permitted)
- ☒ Advance Order - # of Copies ten (10)

4b. Payment of Fee(s):

- ☒ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☒ The Director is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account Number 11-18307 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Date

4/28/05

Typed or printed name

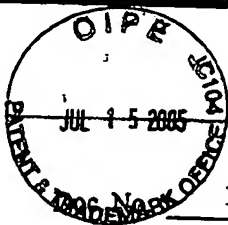
Timothy R. Kroboth

Registration No.

28,435

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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101-10

Serial No. 10/826,351

Applicant:

Schulken

The Patent Office acknowledges,
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- () Amendment
- () Information Disclosure Statement
- () w/PTO 1449 w/Documents
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- () Letter to Official Draftsperson
w/Formal Drawing
& Publication
- (x) Issue Fee Transmittal Form and Fees
Check for \$1030
- () Amendment under 37 CFR 1.312
- () Supplemental Declaration
- () Notice of Appeal and Fee
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- () Extension of Time
- () Appeal Brief
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- () Trademark Application, Specimens,
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In re Patent of]
Schulken] Art Unit: 3751
Patent No.: 6,908,245]
Issued: June 21, 2005] Examiner: Le, Huyen D
Serial No. 10/826,351]
Filed: April 19, 2004]
For: GRIPPING AID]

REQUEST FOR CERTIFICATE OF CORRECTION UNDER 37 CFR 1.322

Honorable Commissioner of Patents & Trademarks
Washington, D.C. 20231

Sir:

As a result of mistakes incurred through the fault of the Patent Office, claim 12 is incorrect. Specifically, mistakes were made by an Examiner's Amendment, a copy of which is attached, and by the Printer. To assist review, a copy of originally filed page 17, which includes claim 12, is also attached.

It is clearly evident with respect to the amendment made to Line 7 of claim 12 by the Examiner's Amendment, that "a" in the insertion "a generally arched" should NOT have been included by the Office. A mistake is clearly evident in that this portion of patented claim 12 reads: "further comprises a first a generally arched thumb". Instead, this portion of patented claim 12 should read "further comprises a first generally arched thumb".

It is clearly evident with respect to the amendment made to Line 9 of claim 12 by the Examiner's Amendment, that the Printer mistakenly placed the specified insertion "after", and not in accordance with the instruction "before". This portion of patented claim 12 should read "z-directions, wherein said raised ridge comprises a proximal ridge end and a distal ridge end, and the ridge border". Instead, this "and" is misplaced in patented claim 12.


It is clearly evident with respect to the amendment made to Lines 11-15 of claim 12 by the Examiner's Amendment, that the instruction "after" was OMITTED by the Office prior to "axis", and further that "axis" should NOT have been deleted by the Printer. A mistake is clearly evident is that NO instruction precedes "axis", and furthermore in that this portion

of patented claim 12 reads: "relative to said x-." Instead, this portion of patented claim 12 should read "relative to said x-axis."

Thus, mistakes were made to claim 12 through fault of the Patent Office, and issuance of a Certificate of Correction (attached) is respectfully requested. In the event issuance of a Certificate of Correction requires payment of a fee, authorization is hereby given to charge the necessary fee to Deposit Account #11-1830.

As a matter of information, the Office is informed that a lawsuit (Case Number 05 CV 5896) was filed in connection with the subject U.S. Patent on June 24, 2005.

Respectfully submitted,


Timothy H. Kroboth
Reg. No. 28,435
(704) 846-3105

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Tim Kroboth on April 7, 2005.

The application has been amended as follows:

In claim 12 (renumbered claim),

Line 7, after "first", --a generally arched-- has been added.

Line 8, after "rim", --and a second generally arched thumb wrap-preventing rim-- has been added.

Line 8, after "that", "extends" has been deleted.

Line 8, after "that"--extend from a border of a raised ridge-- has been added.

Line 8, after "generally in", --opposite z-directions-- has been added.

Lines 8-9, after "generally in", "a z-direction from a border of a raised ridge" has been deleted.

Line 9, before "and", --wherein said raised ridge comprises a proximal ridge end and a distal ridge end, -- has been inserted.

Lines 11-15, "axis", ", and wherein said generally concave surface rises in the direction of the said thumb wrap preventing rim to form a lesser rim that extends

stop.

11. The gripping aid of claim 1, wherein said grip body is symmetrical on each side of an x-y plane parting line such that one side of said grip body comprises said first longitudinally extending surface and said first thumb wrap-preventing rim, and the other side of said grip body comprises a second longitudinally extending surface and a second thumb wrap-preventing rim.

12. A gripping aid for a hand-held instrument comprising a grip body provided with a bore for receiving the instrument, wherein said bore defines an x-axis of an x-y-z coordinate system, wherein said grip body comprises a first longitudinally extending surface comprising a generally concave surface located relatively near a distal end of said body, wherein said grip body further comprises a first thumb wrap-preventing rim that extends generally in a z-direction from a border of a raised ridge, and the ridge border is elevated in a y-direction relative to said x-axis, and wherein said generally concave surface rises in the direction of said thumb wrap-preventing rim to form a lesser rim that extends generally in said z-direction a shorter distance than said thumb wrap-preventing rim extends.

13. The gripping aid of claim 12, wherein said grip body further comprises a longitudinally extending saddle comprising a seat between a distal saddle lip and an opposing proximal saddle lip that extend generally in a y-direction opposite from the elevation direction of said ridge border.

14. The gripping aid of claim 13, wherein said distal saddle lip extends further than said proximal saddle lip in

**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**

PATENT NO. : 6,908,245 B1
DATED : June 21, 2005
INVENTOR(S) : T. Schulken

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 8,

Line 61, after "first", delete "a".
Line 65, prior to "wherein", delete "and".
Line 66, prior to "the ridge", insert --and--.
Line 67, insert --x-axis-- for "x-".

MAILING ADDRESS OF SENDER:

Timothy R. Kroboth
5501 Providence Country Club Drive
Charlotte, NC 28277-2636

PATENT NO. 6,908,245

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This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Patent Number	6,908,245
	Issue Date	June 21, 2005
	First Named Inventor	Schulken
	Art Unit	3751
	Examiner Name	Le, Huyen D
Total Number of Pages in This Submission	Attorney Docket Number	101-10

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
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Timothy R. Kroboth
7/14/05
28,435

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Typed or printed name	Timothy R. Kroboth
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